

FEB 18 2004

#9

OFFICIAL

"Patent"

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	Case Docket No.: 2001B099
Mertens et al.	§	Customer No.: 23455
Serial No.: 10/002,241	§	Group Art Unit: 1754
Filed: October 23, 2001	§	Examiner: Marabel Medina Sanabria
For: Synthesis of Silicoaluminophosphates	§	Confirmation No.: 2764
	§	

Attention: Office of Petitions
Commissioner for Patents
Mail Stop Petitions
Alexandria, VA 22313-1450

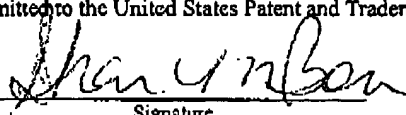
Petition For Withdrawal Holding Of Abandonment Under 37 C.F.R. 1.181(a)

Dear Sir:

[X] I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306 on February 18, 2004.

Shannon M. Borom

Typed or printed name of person signing this certificate



Signature

Applicants respectfully petition for withdrawal of the holding of abandonment of the above-identified application. No petition fee is required under 37 C.F.R. 1.181(a).

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I:\BPC\LA\T\Trove\cdoon\BMC\Proccution\2001\092\2001B099-US-2004PKR18-Petition to Withdraw Abandonment.doc

The present application was held to be abandoned by the United States Patent and Trademark Office ("USPTO") for failure to pay the issue fee within three months from the mailing date of a Notice of Allowance (PTOL-85).

The reason that the issue fee was not paid is that the Notice of Allowance was never received.

The details surrounding the holding of abandonment are set forth below:

- (1) A review of the file in the above-identified application by the undersigned shows that the last paper received from the USPTO is an Office Action mailed on June 2, 2003. A response to the June 2, 2003 Office Action was mailed to the USPTO on August 29, 2003.
- (2) Applicants' received a Notice of Abandonment mailed on January 26, 2004. The Notice said that the application is abandoned because the Issue Fee was not paid within three months from the mailing date of the Notice of Allowance (PTOL-85).
- (3) A search of the Patent Application Information Retrieval system of the USPTO shows a Notice of Allowance was mailed for the above-identified application on September 24, 2003. A representative at the USPTO confirmed that the Notice of Allowance was mailed on September 24, 2003. The due date for sending the issue fee to the USPTO would have been no later than December 24, 2003.
- (4) Our internal procedures for receiving and docketing mail from the USPTO has mail received at a P.O. Box and this mail is sent directly to the ExxonMobil Chemical Law Department mail room. When the mail is received in the Law Department mailroom, the mail is date stamped and sent to docketing for entry into Master Database. A docket

sheet is printed and attached to the mail. The docket sheet and mail are attached to the proper file, all of which is then routed to the appropriate attorney.

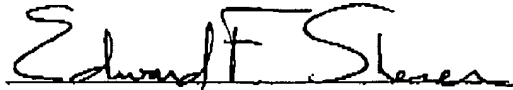
- (5) At my request, docketing staff checked Master Data Center software, PC Master, for an entry indicating that a Notice of Allowance mailed on September 24, 2003 had been received and docketed. The docket number for the present application is 2001B099. A print out copy of the PC Master showing docket numbers having responses due from December 23 through December 26 is attached as Attachment A. The copy has no entry indicating that an issue fee was due for the above-identified application.
- (6) At my request, mailroom staff reviewed unfiled correspondence from the USPTO looking for the Notice of Allowances dated September 24, 2003. No such correspondence was found.
- (7) At my request, secretarial staff reviewed the files of related cases looking for the Notice of Allowance dated September 24, 2003. No such correspondence was found.
- (8) Applicants believe that the Notice of Allowance dated September 24, 2003, was never received by Applicants. Consequently, Applicants believe the Notice of Abandonment is improper.

It is respectfully requested that the holding of abandonment of this application be withdrawn and that the Notice of Allowance be remailed, according to MPEP 711.03(c)II.

The Commissioner is authorized to charge the fee for this petition and any additional fee necessary for the withdraw of abandonment to Deposit Account **05-1712**.

Respectfully submitted,

Date: February 18, 2004



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PCMASTER REPORTER

MASTER FILE REPORT
ExxonMobil Chemical Proprietary

DIARY REPORT BY DUE DATE

Due Date	Actioned	Reference	Filing Number	Key	Description	Handled By	Client
12/23/2003		1999M007 US /	09/936196	IFF	Issue Fee Due	LAK /SEW	813105
12/23/2003		2000B059 US /2	10/191909	IFF	Issue Fee Due	JS /LLT	813158
12/23/2003		2000B062 US /	09/691764	NOA	Notice of Allowance	LA /JSL	813201
12/23/2003		2001B033 US /	10/475594	OPR	Official Filing Receipt Rec'd?	MBM /RLB	813202
12/23/2003		2001B110 US /	09/997436	10A	1st Office Action	JS /LLT	813158
12/23/2003		2002B002 US /	10/052058	AB1	Appeal Brief-1 Month Ext	EFS /EGM	813157
12/23/2003		2002B076 US /	10/171257	R10	Response to 1st OA Due	EFS /EGM	813157
12/23/2003		2002B122 US /	10/252767	OA?	1st OA Received?	LAK /SEW	813154
12/23/2003		2002B137 US /	10/294780	RCE	Request for Continued Examination	EFS /EGM	813102
12/23/2003	01/27/2003	2002B191 US /	10/327783	ADM	PAA Formality Item	JS /LLT	813158
12/23/2003		2002B191 US /	10/327783	PFD	Foreign Filing Deadline	JS /LLT	813158
12/23/2003		2002B191A US /	10/382308	CMB	Combine with Priority PINALI	JS /LLT	813158
12/23/2003		2002B193 US /	10/327767	PFD	Foreign Filing Deadline	JS /LLT	813158

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MASTER FILE REPORT
ExxonMobil Chemical Proprietary

DIARY REPORT BY DUE DATE

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12/23/2003		2002B194	10/410720	FPD	Foreign Filing Deadline	JS /LLT	813158
12/23/2003		2002B194	60/436161	FIL	File US Regular By Due Date	JS /LLT	813158
12/23/2003	02/24/2003	2002B194	60/436161	ADM	PAA Formality Item	JS /LLT	813158
12/23/2003		2002B194	60/436161	FOR	Foreign Filing Due Date	JS /LLT	813158
12/23/2003		2003B019	10/379495	SRU	Search Report to US for IDS	LAK /SEW	813106
12/23/2003		2003B020	10/379274	SRU	Search Report to US for IDS	LAK /SEW	813106
12/23/2003		2003B028	60/456393	MPD	Not of Missing Parts-FATAL	LA /JSL	813406
12/23/2003		2003B058	10/457343	SBS	Standard EP Search Received?	CPS /RLB	813603
12/24/2003		1989B010C	07/973107	FR2	Final Rejection-2nd Extension	CLB /RLB	813507
12/24/2003		1989B010C	07/973107	AP2	Notice of Appeal due - 2nd EXT	CLB /RLB	813507
12/24/2003		1997M008	10/014693	R1D	Response to 1st OA-FATAL	CPS /RLB	813507

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ExxonMobil Chemical Proprietary

DIARY REPORT BY DUE DATE

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12/24/2003		1999B047A US /	10/603042	FF6	Foreign Filing-6 Mo Remind	CPS /RLB	813506
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12/24/2003		1999B049D US /	10/602177	ASF	Assignment/Declaration Due Final	CPS /RLB	813506
12/24/2003		1999B049D US /	10/602177	FF6	Foreign Filing-6 Mo Remind	CPS /RLB	813506
12/24/2003		2001B074 US /	09/903476	NOA	Notice of Allowance	LAX /SEW	813154
12/24/2003	10/01/2002	2002B085 US /	10/178374	PUB	Published?	EFS /EGM	813157
12/24/2003		2002B086 US /	10/178578	PUB	Published?	EFS /EGM	813157
12/24/2003		2002B118 US /	10/253106	QA?	1st OA Received?	JS /LLT	813159
12/24/2003		2002B130 US /2	10/693584	IAA	Inventor Award Due	CPS /RLB	813507
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12/24/2003		2002B130A US /2	10/692827	IAA	Inventor Award Due	CPS /RLB	813507

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ExxonMobil Chemical Proprietary

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DIARY REPORT BY DUE DATE

Due Date	Actioned	Reference	Filing Number	Key	Description	Handled By	Client
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12/24/2003		2002B175A US /	10/395421	FP9	Foreign Filing-9 Mo Remind	BFS /EGM	813157
12/24/2003		2002B181B US /	10/693786	OFR	Official Filing Receipt Rec'd?	CPS /RLB	813507
12/24/2003		2002B181B US /	10/693786	IAA	Inventor Award Due	CPS /RLB	813507
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12/24/2003		2003B003 US /2	10/763024	FF1	Foreign Filing-11 Mo Remind	JS /LLT	813158
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DIARY REPORT BY DUE DATE

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12/24/2003		2003B048 US /	10/425430	MP4	Not of Missing Parts-4 Mo EXT	LNM /GAF	813312
12/24/2003		2003B096 US /	10/677654	FFL	Foreign Filing License Rec'd	EFS /RGM	813157
12/24/2003		2003B101 US /	10/669221	IDS	Info Discl. Statement Due	ABG /LSD	813502

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ExxonMobil Chemical Proprietary

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12/25/2003		2000M002	US /3 10/431547	MP3	Not of Missing Parts-3 Mo EXT	LA /JSL	813406
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12/26/2003		1996B024 US /6	10/126597	R14	Response to 1st OA-1st Ext	BFS /EGM	813102
12/26/2003		1998M037 US /	09/744715	R24	Response to 2nd OA-1st Ext	BFS /EGM	813113
12/26/2003		1999B065 US /2	09/750567	PR1	Final Rejection-1st Extension	CLB /NEW	813508
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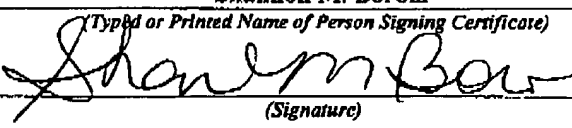
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ExxonMobil Chemical Proprietary

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12/26/2003		2003B093	US / 10/657057	OEP	Order EP Search	RPS /EGM	813157

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No. 2001B099	
Applicant(s): Mertens, et. al.				
Serial No. 10/002,241	Filing Date October 23, 2001	Examiner M. Medina	Group Art Unit 1754	
Invention: Synthesis Of Silicoaluminophosphates				
RECEIVED CENTRAL FAX CENTER FEB 18 2004 OFFICIAL				
I hereby certify that this <u>Transmittal Form and Petition for Withdrawal of Abandonment(14 pgs w/cover)</u> (Identify type of correspondence)				
is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703-872-9306</u>)				
on <u>February 18, 2004</u> (Date)				
<u>Shannon M. Borom</u> (Typed or Printed Name of Person Signing Certificate)  (Signature)				
Note: Each paper must have its own certificate of mailing.				

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0851-0031
 Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>		Application Number	10/002,241
		Filing Date	October 23, 2001
		First Named Inventor	Machteld Mertens
		Art Unit	1754
		Examiner Name	M. Medina
Total Number of Pages In This Submission	13	Attorney Docket Number	2001B099

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Petition to Withdraw Holding of Abandonment, MDC, Printout and Certificate of Facsimile Transmission
Remarks <div style="text-align: center;">CUSTOMER NO.: 23455</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Edward F. Sherer (Reg. No.: 29,588) ExxonMobil Chemical Company Law Technology
Signature	<i>Edward F. Sherer</i>
Date	February 18, 2004

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the			
Typed or printed name	Shannon M. Borom		
Signature	<i>Shannon M. Borom</i>	Date	February 18, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.